

APPEAL NO. 011506
FILED AUGUST 20, 2001

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on April 23, 2001. The hearing officer determined that (1) the respondent (claimant) sustained a compensable injury on _____; and (2) the claimant had disability from June 20, 2000, through the date of the hearing. The appellant (carrier) appeals the determinations on sufficiency grounds. No response was filed.

DECISION

Affirmed.

The hearing officer's determination that the claimant had a compensable injury and resulting disability is supported by the record such that it is not reversible under our standard of review. An appeals-level body is not a fact finder and does not normally pass upon the credibility of witnesses or substitute its own judgment for that of the trier of fact, even if the evidence would support a different result. National Union Fire Insurance Company of Pittsburgh, Pennsylvania v. Soto, 819 S.W.2d 619, 620 (Tex. App.-El Paso 1991, writ denied); American Motorists Insurance Co. v. Volentine, 867 S.W.2d 170 (Tex. App.-Beaumont 1993, no writ). There was conflicting evidence presented with regard to the issues. The hearing officer is the sole judge of the weight and credibility of the evidence (Section 410.165(a)) and, as the trier of fact, resolves the conflicts and inconsistencies in the evidence, including the medical evidence (Texas Employers Insurance Association v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ)). While clearly different inferences could be drawn, most especially as to the length of disability attributed to this injury, the hearing officer's decision also has support in the medical evidence.

Because of this, the hearing officer's determination is not so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986). The decision and order of the hearing officer are affirmed.

Susan M. Kelley
Appeals Judge

CONCUR:

Gary L. Kilgore
Appeals Judge

Robert W. Potts
Appeals Judge